

House Study Bill 524

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY GENERAL
BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the criminal offense of enticing a minor, and
2 providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5230DP 82
5 jm/rj/24

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1 1 Section 1. Section 692A.1, subsection 5, paragraph n, Code
1 2 2007, is amended to read as follows:
1 3 n. Enticing ~~away~~ a minor in violation of section 710.10,
1 4 subsection 1.
1 5 Sec. 2. Section 710.10, Code 2007, is amended to read as
1 6 follows:
1 7 710.10 ENTICING ~~AWAY~~ A MINOR.
1 8 1. A person commits a class "C" felony when, without
1 9 authority and with the intent to commit sexual abuse or sexual
1 10 exploitation upon a minor under the age of ~~thirteen~~ sixteen,
1 11 the person entices ~~away~~ or attempts to entice the minor under
1 12 the age of ~~thirteen~~ sixteen for the purpose of committing
1 13 sexual abuse or sexual exploitation, or entices ~~away~~ or
1 14 attempts to entice a person reasonably believed to be under
1 15 the age of ~~thirteen~~ sixteen for the purpose of committing
1 16 sexual abuse or sexual exploitation.
1 17 2. A person commits a class "D" felony when, without
1 18 authority and with the intent to commit ~~an illegal act upon a~~
1 19 ~~minor under the age of sixteen, the person entices away a~~
1 20 ~~minor under the age of sixteen, or entices away a person~~
1 21 ~~reasonably believed to be under the age of sixteen sexual~~
1 22 ~~exploitation, the person entices or attempts to entice a minor~~
1 23 ~~who is sixteen or seventeen years of age for the purpose of~~
1 24 ~~committing sexual exploitation or entices or attempts to~~
1 25 ~~entice a person reasonably believed to be a minor who is~~
1 26 ~~sixteen or seventeen years of age for the purpose of~~
1 27 ~~committing sexual exploitation.~~
1 28 3. A person commits a class "D" felony when, without
1 29 authority and with the intent to commit ~~an illegal act upon a~~
1 30 ~~minor under the age of sixteen, the person entices or attempts~~
1 31 ~~to entice a minor under the age of sixteen for the purpose of~~
1 32 ~~committing an illegal act, or entices or attempts to entice a~~
1 33 ~~person reasonably believed to be under the age of sixteen for~~
1 34 ~~the purpose of committing the illegal act.~~
1 35 3- 4. A person commits an aggravated misdemeanor when,
2 1 without authority and with the intent to commit an illegal act
2 2 upon a minor ~~under the age of sixteen, the person attempts to~~
2 3 ~~entice away a minor under the age of sixteen, or attempts to~~
2 4 ~~entice away a person reasonably believed to be under the age~~
2 5 ~~of sixteen who is sixteen or seventeen years of age, the~~
2 6 ~~person entices or attempts to entice a minor who is sixteen or~~
2 7 ~~seventeen years of age for the purpose of committing an~~
2 8 ~~illegal act, or entices or attempts to entice a person~~
2 9 ~~reasonably believed to be a minor who is sixteen or seventeen~~
2 10 ~~years of age for the purpose of committing an illegal act.~~
2 11 4- 5. A person's intent to commit ~~a violation of this~~
2 12 ~~section sexual abuse, sexual exploitation, or an illegal act~~
2 13 ~~upon a minor may be inferred when the person is not known to~~
2 14 ~~the person being enticed away minor whom the person is~~
2 15 ~~enticing or attempting to entice and the person does not have~~
2 16 ~~the permission of the parent, guardian, or custodian to~~
2 17 ~~contact the person being enticed away minor whom the person is~~
2 18 ~~enticing or attempting to entice.~~
2 19 5- 6. For purposes of determining jurisdiction under

2 20 section 803.1, an offense is considered committed in this
2 21 state if the communication to entice ~~away or to attempt to~~
2 22 ~~entice~~ a minor or a person believed to be a minor who is
2 23 present in this state originates from another state, or the
2 24 communication to entice ~~away or to attempt to entice~~ a minor
2 25 or a person believed to be a minor is sent from this state.
2 26 Sec. 3. Section 901A.1, subsection 1, paragraph c, Code
2 27 2007, is amended to read as follows:
2 28 c. Enticing a minor ~~away~~ in violation of section 710.10,
2 29 subsection 1.

2 30 EXPLANATION

2 31 This bill relates to criminal offense of enticing a minor.
2 32 The bill renames the criminal offense of enticing away a
2 33 minor to enticing a minor, and eliminates the provisions
2 34 related to enticing "away" a minor.

2 35 Under the bill, it is a class "C" felony if a person
3 1 without authority and with the intent to commit sexual abuse
3 2 or sexual exploitation upon a minor under the age of 16,
3 3 entices or attempts to entice the minor for the purpose of
3 4 committing sexual abuse or sexual exploitation. The bill also
3 5 makes it a class "C" felony if the person being enticed is
3 6 believed to be a minor under the age of 16. Current law makes
3 7 it a class "C" felony to entice away a minor under the age of
3 8 13 or reasonably believed to be under the age of 13 for the
3 9 purpose of committing sexual abuse or sexual exploitation.

3 10 The bill makes it a class "D" felony if a person, without
3 11 authority, and with the intent to commit sexual abuse or
3 12 sexual exploitation upon a minor 16 or 17 years of age,
3 13 entices or attempts to entice the minor for the purpose of
3 14 committing sexual exploitation. The bill also makes it a
3 15 class "D" felony if the person being enticed is believed to be
3 16 a minor 16 or 17 years of age. Current law makes it a class
3 17 "D" felony to entice away a minor under the age of 16 or
3 18 reasonably believed to be under the age of 16 for the purpose
3 19 of committing an illegal act.

3 20 The bill makes it a class "D" felony if a person, without
3 21 authority and with the intent to commit an illegal act upon a
3 22 minor under the age of 16, entices or attempts to entice the
3 23 minor for the purpose of committing an illegal act. The bill
3 24 also makes it a class "D" felony if the person being enticed
3 25 is believed to be a minor under the age of 16. Current law
3 26 makes it an aggravated misdemeanor to entice away a minor
3 27 under the age of 16 or reasonably believed to be under the age
3 28 of 16 for the purpose of committing an illegal act.

3 29 The bill makes it an aggravated misdemeanor if a person,
3 30 without authority and with the intent to commit an illegal act
3 31 upon a minor 16 or 17 years of age, entices or attempts to
3 32 entice the minor for the purpose of committing an illegal act.
3 33 The bill also makes it an aggravated misdemeanor if the person
3 34 being enticed is believed to be a minor 16 or 17 years of age.
3 35 Under current law, a person does not commit enticing away a

4 1 minor for illegal acts upon a minor 16 or 17 years of age.
4 2 A class "C" felony is punishable by confinement for no more
4 3 than 10 years and a fine of at least \$1,000 but not more than
4 4 \$10,000. A class "D" felony is punishable by confinement for
4 5 no more than five years and a fine of at least \$750 but not
4 6 more than \$7,500. An aggravated misdemeanor is punishable by
4 7 confinement for no more than two years and a fine of at least
4 8 \$625 but not more than \$6,250.

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